

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

OP.No. 1323 of 2001(Y)

PETITIONER:

1. KULUKKUMPARA ABDUL RAHIMAN, AGED 30 YEARS,
S/O.MAMMU, VARIKKAL, KARULAI.P.O., MALAPPURAM DIST.
2. MANNAYIL ALI, AGED 32 YEARS, S/O.AHMEDKUTTY,
PILAKKAL, KARULAI, MALAPPURAM DIST.
3. PANDALANCHERY BEERANKUTTY, AGED 30 YEARS,
S/O.UMMER, NARIYALAM KUNNU, KARILAI.P.O.,
MALAPPURAM DIST.
4. ALUNGAL KOYA, AGED 32 YEARS, S/O.MUHAMMED,
KARINTHAR, KARULAI.P.O., MALAPPURAM DIST.
5. THEKKUMPURATH MUHAMMED, AGED 45 YEARS,
S/O.BEERAN, KARINTHAR, KARULAI, MALAPPURAM DIST.

BY ADV. SRI.M.SASINDRAN
SRI.BEPIN VIJAYAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY ITS SECRETARY TO LOCAL
SELF ADMINISTRATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.
2. KARULAI GRAMA PANCHAYAT, REP. BY ITS SECRETARY,
KARULAI, MALAPPURAM DIST.

R2 BY ADV. SRI.V.G.ARUN
R1 BY GOVERNMENT PLEADER SMT.R.BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON C.M.P. NOS.2205,2206 & 19496/2001 IN O.P. NO.1323/2001

DISMISSED:

22.3.2007

SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE LIST OF SELECTED CANDIDATES ELIGIBLE FOR ASSISTANCE UNDER THE BHAVANIRMANAM-MAITHRI SCHEME 2000-2001.

P2: TRUE COPY OF DECISION TAKEN IN THE MEETING HELD ON 12.12.2000 EXCLUDING THE NAMES OF THE PETITIONERS FROM THE LIST FOR THE BHAVANANIRMANAM-MAITHRI SHCME UNDER THE PEOPLES PLANNING PROGRAMME FOR KARULAI GRAMA PANCHAYAT.

P3: TRUE COPY OF THE PROTEST DT.14.12.2000 REGISTERED BY 4 PANCHAYAT MEMBERS AGAISNT EXT.P2 DECISION OF R2.

P4: TRUE COPY OF OBJECTION DT.18.12.2000 SUBMITTED BY PETITIONERS TO R2.

P5: TRUE COPY OF THE ACKNOWLEDGEMENT DT.19.12.2000 ISSUED BY R2 ACKNOWLEDGING RECEIPT OF EXT.P4.

P6: TRUE COPY OF THE COMMUNICATION ISSUED BY PRESIDENT, KARULAI GRAMA PANCHAYAT TO CHOYAMANGALAM MOIDU DT.20.12.2000.

RESPONDENT'S EXHIBITS:

R2(a): COPY OF RESOLUTION OF PANCHAYAT DT.21.10.2000.

R2(b): COPY OF RESOLUTION DT.20.12.2000 OF THE PANCHAYAT.

R2(c): COPY OF G.O. DT.2.9.98 OF THE GOVT. WITH THE PROCEDURE.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
O.P. No.1323 of 2001
.....

Dated this the 22nd day of March, 2007.

JUDGMENT

The petitioners are challenging the proposal of the Panchayat to overrule the list prepared by Grama Sabha for granting financial assistance for construction of house under the Mythri Bhavananirmanam scheme. On going through counter affidavit I find the Panchayat has not decided to remove petitioners from the list and only objections were invited against the proposal to remove petitioners because some of them were found to have produced false certificates about their illness and some others have houses. Even though petitioners have stated that the list prepared by Grama Sabha is binding on the Panchayat, I do not think the contention is tenable because Grama Sabha's recommendations under Government Orders have to be finalised by the Panchayat. The procedure adopted by the Panchayat that is, calling for objections before overruling the list prepared by Grama Sabha is quite reasonable. It is for the petitioners to substantiate their claim over others. The O.P. is disposed of directing the Panchayat to take decision about eligibility of petitioners and others on priority basis in accordance with the relative merit of the claim of each of the applicants.

The petitioners will produce copy of this judgment before the Panchayat for compliance.

C.N.RAMACHANDRAN NAIR
Judge

pms